

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SHIRLEY EXPRESS, LLC AND
RLS TRANSPORTATION, LLC, AS A
SINGLE AND/OR JOINT EMPLOYERS

and

Cases 22-CA-141644
22-CA-149763

BUILDING MATERIAL TEAMSTERS
LOCAL 282

DECISION AND ORDER

Statement of the Cases

On July 18, 2016, Shirley Express, LLC and RLS Transportation, LLC, as a single and/or joint employers (collectively, the Respondents), Building Material Teamsters Local 282 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, and the Board's Rules and Regulations, and the Respondents waived their right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondents' businesses

Respondent Shirley Express, LLC is a corporation with an office and place of business in Hillside, New Jersey, and has been engaged in the business of hauling construction and maintenance materials.

In conducting its business operations at the Hillside, New Jersey facility during the 12-month period ending April 30, 2015, Respondent Shirley Express, LLC purchased and received goods and supplies valued in excess of \$50,000 directly from suppliers located outside the State of New Jersey.

Respondent RLS Transportation, LLC has been a corporation with an office and place of business in Hillside, New Jersey, and has been engaged in the business of hauling construction and maintenance materials.

In conducting its operations during the 12-month period ending April 30, 2015, Respondent RLS Transportation, LLC purchased and received at its Hillside, New Jersey facility goods and services valued in excess of \$50,000 directly from suppliers located outside the State of New Jersey.

The Respondents are now, and have been at all material times, employers engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

The Union is a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondents, Shirley Express, LLC and RLS Transportation, LLC, Hillside, New Jersey, their officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Creating the impression that employees' union activities are under surveillance.

(b) Interrogating employees about their union activities.

(c) Telling employees that it would be futile to select a union.

(d) Threatening to terminate employees for engaging in union activities.

(e) Terminating employees for engaging in union activities.

(f) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed to them by Section 7 of the Act:

- Form, join, or assist a union;

- Choose a representative to bargain on their behalf;
- Act together for their benefit and protection;
- Choose not to engage in any of these protected activities.

2. Take the following affirmative actions to effectuate the policies of the Act.

(a) Make whole Ariel Coira, Javier Madrid, Carlos Ruiz, Benjamin Pizarro, and Javier Diaz, who were terminated because of their union activities, for lost wages as determined in a compliance hearing.

(b) Remove any reference to their terminations from regularly maintained files.

(c) Within 14 days of service by the Region, post at their Hillside, New Jersey location copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 22, after being signed by the Respondents' authorized representatives, shall be posted by the Respondents and maintained by the Respondents for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondents will take reasonable steps to ensure that said notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondents have gone out of business or closed the facility involved in these proceedings, the Respondents shall duplicate and mail, at their own expense, a copy of the notice to all current employees and former employees employed by the Respondents at any time since November 21, 2014.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents have taken to comply.

Dated, Washington, D.C., November 9, 2016.

Mark Gaston Pearce,	Chairman
---------------------	----------

Philip A. Miscimarra,	Member
-----------------------	--------

Lauren McFerran,	Member
------------------	--------

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL NOT create the impression that your union activities are under surveillance.

WE WILL NOT interrogate you about your union activities.

WE WILL NOT tell you that it would be futile for you to select a union to represent you.

WE WILL NOT threaten to terminate you if you do engage in organizing activities.

WE WILL NOT terminate you if you engage in organizing activities.

WE WILL make whole Ariel Coira, Javier Madrid, Carlos Ruiz, Benjamin Pizarro, and Javier Diaz, who were terminated because of their union activities, for lost wages, and

WE WILL remove any reference to their terminations from their files.

**SHIRLEY EXPRESS, LLC AND
RLS TRANSPORTATION, LLC**

The Board's decision can be found at www.nlrb.gov/case/22-CA-141644 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

